

REMARKS

Claims 1-53 were pending in this application when the present Office Action was mailed (April 7, 2004). Claims 1, 15, 22, 26, 34, 41 and 49 have been amended in this response. Accordingly, claims 1-53 remain pending in this application.

In the Office Action mailed April 7, 2004, all the pending claims were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 1-6 and 34-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,408,736 to Kirschbaum et al. ("Kirschbaum");

(B) Claims 1-19 and 21-53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,000,400 to Stuhr ("Stuhr"); and

(C) Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Stuhr in view of Kirschbaum and/or U.S. Patent No. 4,412,665 to Kramer et al. ("Kramer").

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on May 28, 2004. During the May 28 telephone interview, the Examiner and the undersigned attorney discussed the pending claims and the applied references. The Examiner agreed to withdraw the outstanding rejections of claim 1 and claims depending from claim 1, if claim 1 were amended to clarify that the landing gear includes at least one wheel and that the motion of the blocker recited in the claim is independent of the motion of the wheel. Claim 1 has been so amended, and has been further amended to clarify that the motion of the blocker is independent of the motion of the wheel during touchdown. The Examiner further agreed to withdraw the outstanding rejections of independent claims having features generally similar to those of claim 1, if amended in the manner described above. Independent claims 15, 22, 26, 34 and 41 have been so amended.

During the May 28 telephone interview, the undersigned attorney agreed to cancel claims 49-53 from the application. Upon further review of these claims, applicants' attorney has amended claim 49 in such a manner that the combination of

features included in claim 49 appears not to be disclosed or suggested by the applied references. Further details regarding the amendment of claim 49, along with remarks outlining and expanding upon the points raised during the May 28 telephone conference are described below.

A. Response to the Section 102 Rejections on the Basis of Kirschbaum

Claims 1-6 and 34-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kirschbaum. Claim 1 has been amended in a manner indicated by the Examiner to necessitate a withdrawal of this rejection, as discussed above. Claims 2-6 depend from claim 1 and accordingly, the Section 102 rejections of these claims should be withdrawn for the foregoing reasons and for the additional features of these dependent claims.

Claim 34 has been amended in a manner consistent with that described above with reference to claim 1, and claims 35-40 depend from claim 34. Accordingly, the Section 102 rejections of these claims on the basis of Kirschbaum should be withdrawn for the reasons discussed above and for the additional features of these claims.

B. Response to the Section 102 Rejections on the Basis of Stuhr

Claims 1-19 and 21-53 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stuhr. Independent claims 1, 15, 22, 26, 34 and 41 have been amended in a manner consistent with the agreement reached during the May 28 telephone conference, as discussed above. Accordingly, the Section 102 rejections of these claims on the basis of Stuhr should be withdrawn. Each of claims 2-14, 16-19, 21, 23-25, 27-33, 35-40, and 42-48 depends from one of the above independent claims. Accordingly, the Section 102 rejections of these dependent claims should be withdrawn for the reasons discussed above and for the additional features of these dependent claims.

Claim 49 is directed to an aircraft that includes a fuselage portion, a wing portion coupled to the fuselage portion, an engine nacelle depending from at least one of the fuselage portion and the wing portion and landing gear depending from at least one of the fuselage portion and the wing portion, including a strut coupled to a truck having a

plurality of rotatable wheels and tires. The aircraft further includes a blocker having a blocker device positioned between an upper surface of at least one of the tires and at least one of the wing portion, the fuselage portion and the engine nacelle. The blocker device is supported by the landing gear from a position below the blocker device.

As amended, claim 49 further clarifies that a generally downwardly facing surface of the blocker is accessible when the landing gear is moved to a deployed position and the motion of the blocker generally follows the motion of the landing gear from a stowed position to the deployed position. Still further, the blocker moves toward at least one of the tires as a strut of the landing gear compresses during landing. For example, as shown in Figure 6, the landing gear 504 includes a telescoping, compressible strut 505. A portion of the support structure 552 coupling the blocker assembly 550 to the landing gear 504 is attached to the upper portion of the strut 505. Accordingly, as the strut 505 compresses during landing, the blocker assembly 550 moves closer to the tires 508. An advantage of this arrangement is that the blocker assembly 550 can be better positioned to block debris at a time when debris is more likely to be thrown by the tires 508.

The applied references appear not to disclose or suggest the foregoing combination of features for at least the following reasons. Stuhr discloses an aircraft landing gear arrangement having fenders 134 that closely surround the tires 120. Accordingly, assuming the fenders 134 correspond at least in part to the blocker of claim 49, the fenders 134 do not include a generally downwardly facing surface that is accessible when the landing gear is moved to a deployed position. The fenders 134 also do not move toward at least one of the tires as the associated landing gear strut compresses during landing.

Kramer discloses a three-wheeled landing gear having an outboard door 71 and an inboard door 72 that are positioned adjacent to the respective outboard wheel 12 and inboard wheel 14. Assuming the doors correspond at least in part to the blocker of claim 49, the doors do not appear to move toward the wheels as the aircraft touches down.

Kirschbaum discloses an arrangement that includes a landing gear assembly 10 and a door 42 that deploys with the landing gear. As the aircraft touches down and the landing gear strut 18 compresses, the door 42 moves away from the wheel 38. Accordingly, Kirschbaum teaches away from at least one of the features of claim 49, which includes a blocker that "moves toward at least one of the tires as the landing gear strut compresses during landing."

For at least the foregoing reasons, neither Kirschbaum nor Stuhr nor Kramer appear to disclose or suggest the combination of features identified in claim 49. Therefore, the outstanding rejection of claim 49 should be withdrawn. The outstanding rejections of claims 50-53, which depend from claim 49, should be withdrawn for the foregoing reasons and for the additional features of these dependent claims.

C. Response to the Section 103 Rejection of Claim 20

Claim 20 depends from claim 15. As discussed above, claim 15 includes features indicated by the Examiner in the May 28 telephone conference to necessitate a withdrawal of the Section 102 rejection of claim 15 on the basis of Stuhr. Claim 20 includes, *inter alia*, the features of claim 15, and the combination of either Kirschbaum or Kramer with Stuhr appears not to disclose these features. Accordingly, the Section 103 rejection of claim 20 should be withdrawn.

D. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3257.

Respectfully submitted,

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